

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CORELOGIC INFORMATION
SOLUTIONS, INC.

v.

FISERV, INC., et al.

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Case No. 2:10-CV-132-RSP

ORDER

Before the Court is Defendants' Emergency Motion for Clarification of Order (Dkt. No. 398, filed September 14, 2012). Defendants ask the Court to clarify whether the Court's order (Dkt. No. 396) striking certain prior art precludes fact witnesses from offering testimony about the stricken prior art. Because the prior art references were not disclosed as required by Patent Rule 3-3, those references may not be relied upon as prior art by the party that failed to timely disclose them. Fed. R. Civ. P. 16 & 37. Therefore, no evidence regarding those references may be introduced at trial, whether by expert or fact witness.

IT IS SO ORDERED.

SIGNED this 20th day of September, 2012.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE